

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CANDY LYNN BRUENING for
RYAN JOSEPH BRUENING,

Plaintiff,

v.

Case No. 06-C-1078

JO ANNE B. BARNHART,

Defendant.

ORDER

Plaintiff has filed an action for court review of a decision rendered by the Commissioner of Social Security, denying benefits to her 11-year-old son. Ordinarily, a plaintiff must pay a statutory filing fee of \$350 to bring an action in federal court. 28 U.S.C. § 1914(a). Plaintiff, however, has requested leave to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts. *See Nietzke v. Williams*, 490 U.S. 319, 324 (1989). Under § 1915, an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and the affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1).

Plaintiff filed the required affidavit of indigence. Upon review of that affidavit, I am satisfied that plaintiff meets the poverty requirements of 28 U.S.C. § 1915. Plaintiff is unemployed, supports four children aged 2 to 11, and her monthly expenses exceed her monthly income. Plaintiff

owns one vehicle, valued at \$3500,¹ but has no real estate, stocks, bonds, or valuable personal items (excluding clothes and ordinary household items). Plaintiff indicated she has cash, or checking, savings or other similar accounts, but that the total dollar amount for these is zero.

THEREFORE, IT IS ORDERED that plaintiff's request to proceed *in forma pauperis* is granted. The clerk is ordered to serve a copy of the complaint and this order on the Commissioner of Social Security.

Plaintiff is advised to provide defendant or its counsel with copies of all future motions or papers filed by the plaintiff in this action.

Dated this 19th day of October, 2006.

s/ William C. Griesbach

William C. Griesbach

United States District Judge

¹ Plaintiff listed the value of this vehicle, a 1996 Dodge Caravan, at \$35,000. Given that this would exceed the vehicle's value when new, the court presumes plaintiff inadvertently added a zero, and intended to list its value at \$3500.